

**SUBSTITUTE DECLARATION FOR  
UTILITY OR DESIGN  
PATENT APPLICATION  
(37 C.F.R. 1.63)**

Declaration  
Submitted  
with Initial Filing

Declaration Submitted  
after Initial Filing  
(37 C.F.R. Fee Required)

Attorney Docket Number: 1477-P01769US1

First Named Inventor: Leon W.M.M. Terstappen

**COMPLETE IF KNOWN**

Application Number: 09/856,672

Filing Date: May 24, 2001

Group Art Unit: 1723

Examiner Name: David A. Reifsnyder

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the first and sole inventor or and original, first and joint inventor of the subject matter which is claimed and for which patent protection is sought for the invention entitled:

**MAGNETIC SEPARATION APPARATUS AND METHODS**

the specification of which

is attached hereto

OR

was filed on May 24, 2001 as United States Application Number or PCT Application Number

09/856,672

and was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 365(b) of any foreign application(s) for patent for inventor's certificate, or 35 U.S.C. 120 of any PCT International application listed below.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Certified Copy Attached? |
|-------------------------------------|---------|----------------------------------|--------------------------|
| PCT/US99/28231                      | PCT     | November 30, 1999                | No                       |

I hereby claim the benefit under 35 U.S.C. 119(e) of the United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) |  |
|-----------------------|--------------------------|--|
| 60/019,282            | June 7, 1996             |  |
| 60/030,436            | November 5, 1996         |  |
| 60/110,280            | November 30, 1998        |  |

I hereby claim the benefit under 35 U.S.C. 120 of the United States application(s), or 365(c) of the PCT International application(s) designating the United States of America, listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application.

| U.S. Parent or PCT Application | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent No.<br>(If Applicable) |
|--------------------------------|------------------------------------|--------------------------------------|
| 09/201,603                     | November 30, 1998                  | 6,136,182                            |
| 08/867,009                     | June 2, 1997                       | 5,985,853                            |

As a named inventor, I hereby appoint the following practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

The registered practitioners associated with Customer Number 000110

**Direct all Correspondence to:**

Customer Number 000110 at the address below

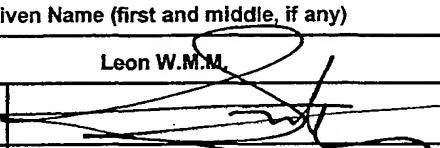
John B. Berryhill, Ph.D., J.D.  
Dann, Dorfman, Herrell & Skillman  
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Philadelphia, PA 19103

Telephone (215) 563-4100  
Facsimile (215) 563-4044

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**FIRST INVENTOR**

[ ] A petition has been filed for this unsigned inventor

|                                       |   |                                    |      |
|---------------------------------------|---|------------------------------------|------|
| Given Name (first and middle, if any) |   | Family Name (Last name or surname) |      |
| Leon W.M.M.                           |   | Terstappen                         |      |
| Signature                             |  |                                    | Date |
| Residence                             | Huntingdon Valley, PA, United States of America                                     |                                    |      |
| Post Office Address                   | 1354 Old Ford Road<br>Huntingdon Valley, PA 19006                                   |                                    |      |
| Citizenship                           | NL  |                                    |      |

**SECOND INVENTOR**

[ ] A petition has been filed for this unsigned inventor

|                                       |   |                                    |        |
|---------------------------------------|---|------------------------------------|--------|
| Given Name (first and middle, if any) |   | Family Name (Last name or surname) |        |
| Gerald                                |   | Dolan                              |        |
| Signature                             | Gerald J. Dolan                                 | Date                               | 3/4/03 |
| Residence                             | HUNTINGDON VALLEY, PA US                        |                                    |        |
| Post Office Address                   | 800 MEADOWBROOK DRIVE ; HUNTINGDON VY, PA 19006 |                                    |        |
| Citizenship                           | US  |                                    |        |

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## REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

|                        |              |
|------------------------|--------------|
| Application Number     | 09/856,672   |
| Filing Date            | May 24, 2001 |
| First Named Inventor   | Terstappen   |
| Art Unit               | 1723         |
| Examiner Name          | Reifsnyder   |
| Attorney Docket Number | Patterns Div |

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

- A power of Attorney or Authorization of Agent is submitted herewith.

**OR**

- Please change the correspondence address for the above-identified application to:

Customer Number



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**OR**

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| Address   |       |     |  |
| Address   |       |     |  |
| City  |       |     |  |
| Country   | State | Zip |  |
| Telephone   | Fax   |     |  |

I am the:

- Applicant/Inventor.  
 Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

### SIGNATURE of Applicant or Assignee of Record

|           |  |           |              |
|-----------|--|-----------|--------------|
| Name      | Edward L. Erickson as President Immunivest Corp. |           |              |
| Signature |  |           |              |
| Date      | June 22, 2003                                    | Telephone | 215-830-0777 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

|                          |                                      |
|--------------------------|--------------------------------------|
| <input type="checkbox"/> | *Total of _____ forms are submitted. |
|--------------------------|--------------------------------------|

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

|                        |                            |
|------------------------|----------------------------|
| Application Number     | 09/856,672                 |
| Filing Date            | May 24, 2001               |
| First Named Inventor   | Terstappen                 |
| Title                  | Magnetic Sep. App. & Meth. |
| Art Unit               | 1723                       |
| Examiner Name          | Reifsnyder                 |
| Attorney Docket Number | Patterns Div.              |

I hereby appoint:

Practitioners at Customer Number

Place Customer  
Number Bar Code  
Label here

OR

Practitioner(s) named below:

| Name            | Registration Number |
|-----------------|---------------------|
| Joseph F. Aceto | 50701               |
| James I. Wilcox | 30234               |
|                 |                     |
|                 |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Practitioners at Customer Number.

Place Customer  
Number Bar Code  
Label here

OR

Firm or  
Individual Name

Immunicon Corporation

Address

3401 Masons Mill Road

Address

Suite 100

City

Huntingdon Valley

State

PA

Zip

19006

Country

United States

Telephone

215-830-0777

Fax

215-830-0751

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

Edward L. Erickson as President Immunivest Corp.

Signature

Date

June 22, 2003

Telephone

215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: D. A. REIFSNYDER  
 )  
 Leon W.M.M. Terstappen et al ) Group Art Unit: 1723  
 )  
 Serial No.: 09/856,672 )  
 )  
 Filed: May 24, 2001 )  
 )  
 For: "MAGNETIC SEPARATION )  
 APPARATUS AND METHODS" )

DECLARATION OF GERALD DOLAN

I, Gerald Dolan hereby declare that:

1. I am a co-inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 09/856,672 along with Leon W.M.M. Terstappen. This application was filed on May 24, 2001 for an invention entitled: "Magnetic Separation Apparatus and Methods".
2. We have assigned all right, title and interest in and to the above-identified invention and application to Immunivest Corporation.
3. At the time of filing of the above-identified application, I was not identified a joint inventor. Leon W.M.M. Terstappen was named as sole inventor in error due to a misunderstanding of the law determining inventorship.
4. I have realized that an unintentional error in inventorship occurred and I am filing the present declaration to correct this error.
5. This error was made in good faith, without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/4/03

DATE

Gerald J. Dolan

Gerald Dolan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: D. A. REIFSNYDER  
 )  
 Leon W.M.M. Terstappen et al ) Group Art Unit: 1723  
 )  
 Serial No.: 09/856,672 )  
 )  
 Filed: May 24, 2001 )  
 )  
 For: "MAGNETIC SEPARATION )  
 APPARATUS AND METHODS" )

CONSENT BY ASSIGNEE FOR AMENDMENT UNDER RULE 1.48

Immunivest Corporation, is an Assignee of the right, title and interest of Leon W.M.M. Terstappen in and to the above-identified invention and application by virtue of an Assignment recorded with the United States of Patent and Trademark Office on May 24, 2001. Immunivest Corporation hereby consents to the amendment of the above-identified application under Rule 1.48 in order to correct an error in inventorship to properly set forth Gerald Dolan as joint inventor along with Leon W.M.M. Terstappen of the subject matter disclosed and claimed in the application identified above. An Assignment by Gerald Dolan will be executed and recorded in the Patent and Trademark Office together with the previously executed Assignment of Leon W.M.M. Terstappen so that Immunivest Corporation shall be the Assignee of the entire right, title and interest in and to the above-identified invention and application.

Immunivest Corporation

MARCH 4, 2003

DATE

By Eduard L. Ehr  
Its PRESIDENT